

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)

Plaintiff)

v.)

SHAWN WINBUSH)

Defendant.)

04 CR 10364 NMG

FILED
CLERK'S OFFICE

AUG 27 11:51

U.S. DISTRICT COURT
DISTRICT OF MASS.

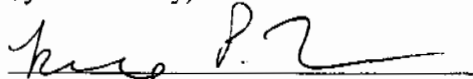
MOTION FOR PSYCHIATRIC EVALUATION

NOW COMES DEFENDANT SHAWN WINBUSH by and through his attorney of record and respectfully moves this Honorable Court to order a psychiatric evaluation of the defendant. Mr. Winbush has a history of mental illness that is impairing his ability to understand the consequences of his actions.

Mr. Winbush will not understand that he is waiving his right to have his attorney cross-examine the Commonwealth's witnesses, that he is giving up his right to remain silent without it being held against him, and his right to a trial at which he could be acquitted unless the prosecutor proved his guilt beyond a reasonable doubt.

Given these facts, this Honorable Court should allow this Motion and confirm that Mr. Winbush in fact does not have the capacity to act in his own best interest.

Respectfully submitted
Shawn Winbush
by his attorney,


Lawrence P. Novak
235 Candy Lane
Brockton, MA 02301
508-587-8400
BBO# 548589

Date: 7-25-05

Motion for psychiatric evaluation is allowed.

J. M. Gorton, USDJ 8/2/05